

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.6393 OF 2006

Ashokkumar Sureshkumar Mehta,
Vs
Kothari Sales Corporation & Ors.

Petitioner.

Respondents

Mr J.B.Kocheta, for the petitioner.
Mr R.D.Dave i/b M/s N.N.Vaishnawa & Co for respondent
no.1.

CORAM : D.B.BHOSALE, J.
DATE : 20.10.2006

PC:

1. Heard the learned counsel for the petitioner and respondent no.1.
2. Rule. By consent of the parties, Rule is taken up for final hearing. Mr Dave, learned counsel, waives service for respondent no.1.
3. The order dated 6.3.2006, by which the petitioner is allowed to defend the suit on his furnishing the bank guarantee to the extent of suit claim of nationalised bank is under challenge in the present writ petition. Admittedly, similar order has been passed against other defendants on 26.7.2002 below Exhibit-16 in Summary suit no.1 of 2001. I am informed that the other defendants have already furnished solvent surety as per the order dated 26.7.2002. Keeping that in view, the condition imposed on the petitioner to furnish bank guarantee to the extent of suit claim stands cancelled. The trial

Court shall proceed with hearing of the suit and dispose it of as expeditiously as possible and in any case within six months from the date of receipt of this order.

4. With these observations, Rule is disposed of.

(D.B.BHOSALE, J.)